

Felony

UN - Sealed 10-21-14
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 prohibited by court order.

UNITED STATES DISTRICT COURT

for the

Southern District of Texas, Brownsville

 United States District Court
 Southern District of Texas
 FILED

OCT 20 2014

United States of America

v.

Kevin Lyndel Massey

Case No.

B-14-MJ-968

David J. Bradley, Clerk of Court

 United States District Court
 Southern District of Texas
 FILED

OCT 21 2014

CRIMINAL COMPLAINT

David J. Bradley, Clerk

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of August 29, 2014 in the county of Cameron in the
Southern District of Texas, the defendant(s) violated:

Code Section

18 USC 922 (g)(1)

Offense Description

18 USC 922 (g) (1): possession of a Firearm by an individual having been convicted
 of a felony

This criminal complaint is based on these facts:

See Attachment A

☒ Continued on the attached sheet.


Complainant's signature

Anthony M. Rotunno Special Agent ATF 5006

Printed name and title

Sworn to before me and signed in my presence.

Date:

Oct 20, 2014



Judge's signature

City and state:

Brownsville, Texas

United States Magistrate Judge

Printed name and title

ATTACHMENT A

I, Special Agent Anthony M. Rotunno, affiant, do hereby depose and state the following:

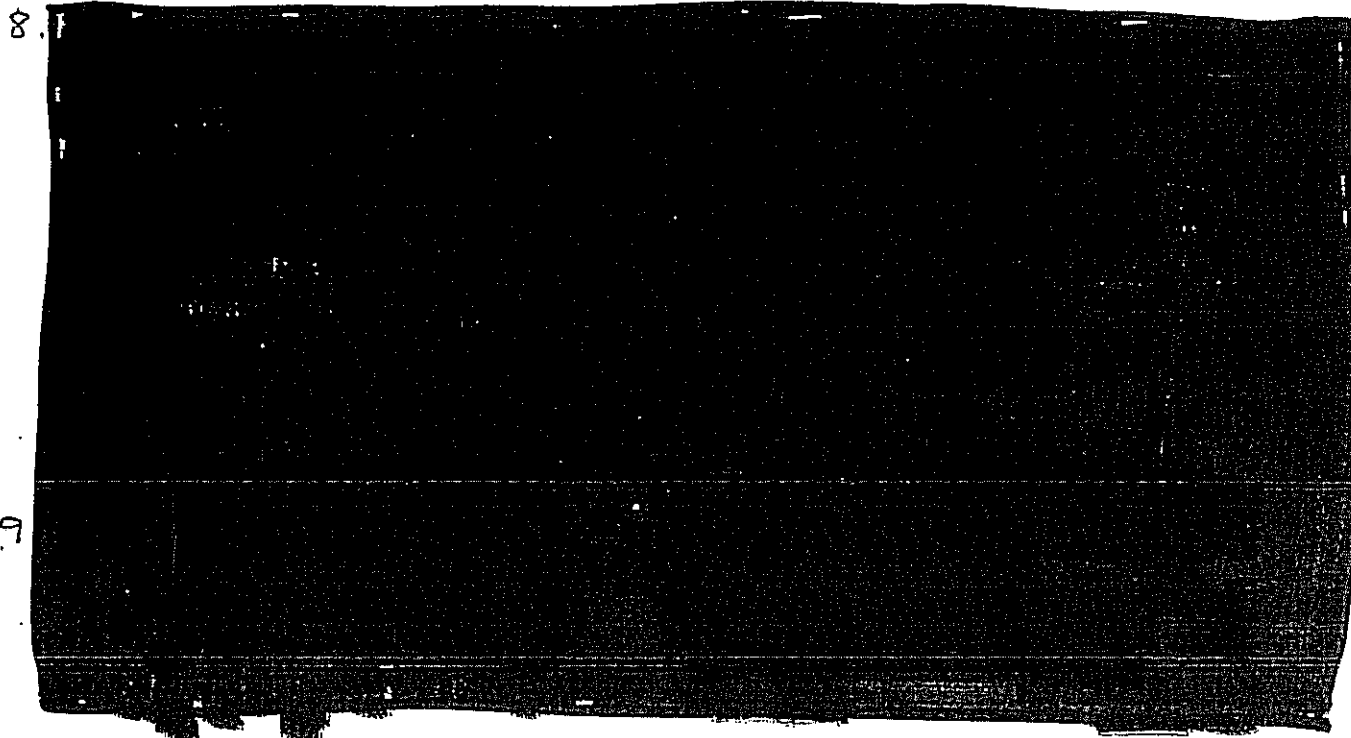
I am a Special Agent of the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). I have been a Federal law enforcement agent for twelve years.

1. My duties include the investigations of the Federal Firearms Laws. I know it to be unlawful for any person who has been convicted of a felony to receive or possess a firearm, which has traveled in interstate or foreign commerce.
2. On August 29, 2014, United States Border Patrol Agents from the Fort Brown Border Patrol Station, while in performance of their official duties, encountered an armed individual, [REDACTED]
3. Border Patrol Agents confiscated a ZASTAVA, Model: PAP M92PV, 7.62 x 39mm pistol, SN: MP2PV005143 [REDACTED] Kevin MASSEY, were located in the immediate vicinity of the shooting. Both of these individuals were armed as well.
4. While conducting the post-shooting investigation, five firearms were taken into custody by Cameron County Sheriff Investigator Sergio Padilla. The firearms are described as:
 1. ZASTAVA, Model: PAP M92PV, 7.62 x 39mm pistol, SN: MP2PV005143 [REDACTED]

ATTACHMENT A

2. Llama, Model: 1911, .45 caliber pistol, SN:567266
3. Winchester, Model: 70, .243 caliber rifle, SN: G1914149 (carried by Varner)
4. Springfield, Model: XDS, .45 caliber pistol, SN: XS664509 (carried by MASSEY)
5. Centurion, Model: 39 Sporter, 7.62 x 39mm rifle, SN: 39NC02585 (carried by MASSEY)
5. [REDACTED]
6. During the interview of MASSEY, by FBI Special Agent David Cordoba and HSI Special Agent Jeremy Bergeaux, MASSEY admitted to both the ownership of the ZASTAVA, Model: PAP M92PV, 7.62 x 39mm pistol, SN: MP2PV005143; [REDACTED]
7. On October 16, 2014, your affiant spoke with Supervisory Border Patrol Agent Danny Cantu. SBPA Cantu was in the area of the shooting when the shots were fired and responded immediately to the scene. SBPA Cantu stated that he in-fact recovered the ZASTAVA, Model: PAP M92PV, 7.62 x 39mm pistol, SN: MP2PV005143; [REDACTED] and that he escorted MASSEY, [REDACTED] to the staging area for interviews; witnessing MASSEY carrying a holstered Springfield, Model: XDS, .45 caliber pistol, SN: XS664509 and the Centurion, Model: 39 Sporter, 7.62 x 39mm rifle, SN: 39NC02585, which was slung around MASSEY's neck.

ATTACHMENT A

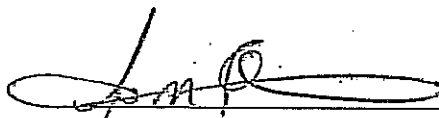


8. Court documents, specifically Judgment and Conviction records, were obtained and reviewed on MASSEY. MASSEY is a person who has been previously convicted of felony; which prohibits him from possessing a firearm. On 3/1/1988, MASSEY was sentenced to 5 years confinement by the 265th Judicial District Court of Dallas County, Texas for the Burglary of a Habitation (Cause No. F88-77912 JR); which revoked his probation from a 11/11/85 arrest from another Burglary of a Habitation (Cause No. F85-92081 PR) also out of the 203rd Judicial District Court of Dallas County, Texas.

9.

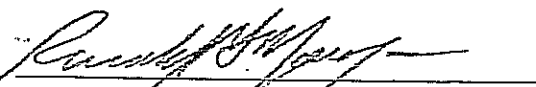
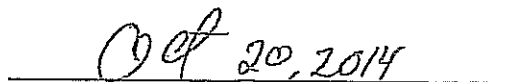
ATTACHMENT A

11. ATF Interstate Nexus Expert Eduardo Ramirez was consulted as to the interstate nexus status of the ZASTAVA, Model: PAP M92PV, 7.62 x 39mm pistol, SN: MP2PV005143, the Springfield, Model: XDS, .45 caliber pistol, SN: XS664509, and the Centurion, Model: 39 Sporter, 7.62 x 39mm rifle, SN: 39NC02585. Special Agent Ramirez, based on his preliminary examination of these firearms, determined that these firearms were manufactured outside of the State of Texas, and therefore traveled in interstate or foreign commerce prior to being possessed by MASSEY in Brownsville, Texas.



Anthony M. Rotunno Special Agent ATF 5006

Sworn to before me and subscribed in my presence,


United States Magistrate Judge
Date